THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.27918 of 2007

Between:

Mopuru Bujjamma and others. ..
PETITIONERS

and

The Joint Collector, Nellore and others.

..
RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.27918 of 2007

ORDER:

It is the case of the petitioners that against the resumption order passed by the 2nd respondent in proceedings in Rc.No.2882(CJFS)/2004, dated 28-08-2004, in resuming the lands admeasuring Ac.0-70 cents in Sy.No.22-07, Ac.0-52 cents in Sy.No.39-1-2F, Ac.0-52 cents in Sy.No.39-1-2H, Ac.0-70 cents in Sy.No.22-9 and Ac.0-70 cents in Sy.No.22-6 respectively situated at Kondlapudi Village, Nellore Rural Mandal, Nellore District, on the ground that the original assignees violated the conditions of assignment and some third parties were found in possession of the lands in question, the petitioners filed an appeal before the Joint Collector, Nellore-1st respondent. The 1st respondent through order, dated 22-01-2006, in proceedings D.Dis.(E1).1241/2005, dismissed the appeal holding that the original assignees violated the conditions of the assignment and some third parties were found in possession of the assigned lands. Aggrieved by the same, the petitioners filed a revision before the Commissioner of Appeals, Government of Andhra Pradesh, Hyderabad, on 17-08-2006. It is stated that pending disposal of the revision, the respondents are taking steps to dispossess the petitioners from the lands in question.

Admittedly, the original order as well as the appellate order goes to show that the petitioners were not in possession of the lands in question. Therefore, the question of dispossessing the petitioners from the lands in question does not arise. Hence, the writ petition does not find any merit and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed with liberty to pursue the revision said to have been pending before the Commissioner of Appeals, Government of Andhra Pradesh, Hyderabad. There shall be no order as to costs.

27-12-2007

Prv